

Regulations Governing Eligibility Standards and Application Procedures for the Distribution of ~~Technological Assistance Devices~~ Assistive Technology Equipment  
**22VAC20-20-10. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Alerting device" means a device that alerts individuals with a hearing loss of sounds around them.

"Amplification device" means a device that amplifies either incoming sounds for individuals who have a hearing loss or outgoing sounds for individuals who have a speech disability.

"Applicant" means a person who applies for ~~technological assistive devices~~ assistive technology equipment.

"Application" means the TAP Application (~~VDDHH-TDD-1~~ VDDHH-TAP-1).

"Assistive Technology Equipment" means any device or adaptive equipment for telecommunications or alerting used by individuals who are deaf, hard of hearing, deafblind or speech-disabled.

"Audiologist" means any person who is licensed by the Department of Health Professions to engage in the practice of audiology.

"Completion date" means the date all supporting documentation for the application is received by the department.

~~"Coordinator" means the Technology Assistance Program Coordinator of the Virginia Department for the Deaf and Hard of Hearing.~~

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"Coupon" means a voucher which may be used by the applicant towards the purchase of approved ~~technological assistive devices from a contracted vendor~~ assistive technology equipment through the program.

"Deaf" means a hearing loss that requires use of a text telephone or Voice Carry Over Phone to communicate effectively on the telephone.

~~"Deaf blind"~~ "DeafBlind" means a dual loss of hearing and vision that requires use of a braille text telephone or a large visual display text telephone to communicate effectively on the telephone.

"Department" means the Virginia Department for the Deaf and Hard-of-Hearing.

"Family" means the applicant, his dependents and any person legally required to support the applicant, including ~~spouses~~ a spouse.

"Fiscal constraint" means when ~~the potential cumulative cost of equipment requested through the program for a budgeted portion of a fiscal year equals or exceeds 75% of program funds designated by the department to be available for purchasing equipment during the same period or when 75% of program funds for a fiscal year have been disbursed or encumbered.~~ projected expenditures may exceed appropriated funds for equipment distribution within a budgeted period.

"Gross income" means the income, total cash receipts before taxes from all sources of the applicant, his dependents, and any person legally required to support the applicant, including ~~spouses~~ a spouse.

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"Hard of hearing" means a hearing loss that requires use of either a text telephone or an amplification device to communicate effectively on the telephone.

"Hearing aid specialist" means a person who has a license from the Department of Professional and Occupational Regulation to fit and sell hearing aids.

"Hearing-disabled/visually-disabled" means a dual loss of hearing and vision that requires use of large visual display text telephone or a braille text telephone to communicate effectively on the telephone.

"Minor" means a person less than 18 years of age whose parent or legal guardian is legally responsible for his support.

"Physician" means a person who has a medical degree and a license to practice medicine in any one of the United States.

"Program" or "TAP" means Technology Assistance Program for distributing ~~technological assistive devices~~ assistive technology equipment to individuals who are deaf, hard of hearing, hearing-disabled/visually-disabled, ~~deaf-blind~~ deafblind or speech-disabled and who meet eligibility requirements through an application process.

"Public assistance" means and includes ~~aid to dependent children~~ Temporary Assistance to Needy Families (TANF); Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI); auxiliary grants to the aged, blind and disabled; medical assistance; food stamps; general relief; fuel assistance; and social services.

"Recipient" means a person who receives ~~technological assistive devices~~ assistive technology equipment.

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"Ring signal device" means a device that alerts an individual who is deaf, hard of hearing, hearing-disabled/visually-disabled or ~~deaf-blind~~ deafblind of an incoming call.

"Speech-disabled" means a loss of verbal communication ability which prohibits normal usage of a standard telephone handset.

"Speech-language pathologist" means any person who is licensed by the Department of Health Professions to engage in the practice of speech-language pathology.

~~"Technological assistive device" means any adaptation for an alerting or communication system needed by individuals who are deaf, hard of hearing, hearing-disabled/visually-disabled, deaf-blind or speech-disabled.~~

"Text telephone" (hereinafter called TTY/~~TDD~~) means a nonvoice terminal device used to transmit and receive messages ~~via telephone~~ telephonically. This includes, but is not limited to, telecommunications devices for the deaf (TDD/TTY) and computer ~~modems~~ software.

"VDDHH outreach specialist" means a person hired by or contracted with the department to provide outreach services and to assist the department in carrying out activities related to the Technology Assistance Program on either a regional or local level.

"Vendor" means a company that enters into a contract with the Commonwealth to provide assistive technology equipment as defined in this regulation.

~~"Voice carryover (VCO) screen" means a device used to receive text telephone messages and transmit verbal messages, consecutively, via a telephone line either in conjunction with or independent of a standard telephone. This device is generally used in conjunction with a~~

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## Part II

### Determining Ownership

#### **22VAC20-20-20. Ownership guidelines.**

A. Any ~~technological assistive device or component~~ assistive technology equipment distributed through the program is the property of the individual recipient except for any device which, individually, has a ~~value or cost to the program or the program recipient~~ in excess of \$5,000 at the date of acquisition.

B. The department shall retain ownership of any ~~technological assistive device or component~~ assistive technology equipment distributed through the program that costs \$5,000 or more.

Where ownership of ~~technological assistive devices or components~~ assistive technology equipment is retained by the department, information regarding ~~financial data~~ income and family size shall not be required.

## Part III

### Participation Of Applicant

#### **22VAC20-20-30. Eligibility requirements.**

Upon request for ~~technological assistive devices~~ assistive technology equipment by an applicant, the department will require information as to the family size, financial status, and other related data as described on the application. ~~It is the applicant's responsibility to furnish the department with the correct financial data in order to be appropriately classified according to income level~~

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1. The applicant must be certified as deaf, hard of hearing, hearing-disabled/visually-disabled, ~~deaf-blind~~ deafblind, or speech-disabled by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, vocational rehabilitation counselor employed by the Department of Rehabilitative Services or the ~~Department for the Visually Handicapped~~ Department for the Blind and Vision Impaired, a Virginia School for the Deaf and Blind representative, a VDDHH outreach specialist or other appropriate agency or government representative.
2. The applicant shall ~~reside in the Commonwealth of Virginia~~ provide one of the following, in the name of the applicant or the applicant's spouse or legal guardian, as proof of residency in the Commonwealth of Virginia:
  - a. Current Lease or deed to domicile in Virginia;
  - b. A utility bill, dated within twelve (12) months of the submission, for a residence in Virginia; or
  - c. Any other form of proof approved by the department.
3. The applicant shall provide correct and verifiable information on the family's gross income. The department reserves the right to request verification of income from any program applicant before determining what charges, if any, the applicant will be required to pay for assistive technology equipment through the program .
- ~~3.~~ 4. ~~An~~ The applicant shall submit a completed and signed application.

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**22VAC20-20-40. Charges for equipment.**

Eligible applicants shall be granted program participation based on a first-come, first-served basis and the availability of program funds. If the individual or family monthly gross income is such that a charge for ~~technological assistive devices~~ assistive technology equipment is required, an explanation of the charges shall be provided to the recipient.

1. An applicant shall not be required to participate in the cost of ~~technological assistive devices~~ assistive technology equipment:

a. If ~~his individual or~~ family monthly gross income is:

(1) Obtained solely from public assistance, as defined in Part I of this chapter, earnings of minor children or gifts, or any combination thereof; or

(2) Less than or equal to ~~the Economic Needs Guidelines found in subdivision 3 of this section~~ 250% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

b. If ownership of ~~technological assistive devices or components~~ assistive technology equipment is retained by the department.

2. Any ~~other~~ applicant whose annual income exceeds 250% of the Federal Poverty Guidelines shall be required to ~~participate in the cost of any technological assistive distributed to the~~

~~applicant. The portion paid by the applicant to the vendor shall be determined as follows:~~

a. ~~When the applicant's monthly gross income is 101%–150% of the economic needs guidelines found in subdivision 3 of this section, the portion paid by the applicant shall be equal to 20% of the cost of the equipment package or \$75, whichever is lower.~~

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b. ~~When the applicant's monthly gross income is 151% of the economic needs guidelines found in subdivision 3 of this section or greater, the portion paid by the applicant shall pay to the vendor or to the department an amount equal to the full state contract cost or actual state invoice cost of the requested equipment package on state contract.~~

3. ~~Statewide Economic Needs Guidelines. The same formula used to determine the following sets of Economic Needs Guidelines shall be applied where the number of family members exceeds six.~~

	<del>Monthly Gross Income</del>	<del>Annual Gross Income</del>
Family of 1	<del>\$1,313</del>	<del>\$15,760</del>
Family of 2	<del>1,717</del>	<del>20,609</del>
Family of 3	<del>2,122</del>	<del>25,459</del>
Family of 4	<del>2,526</del>	<del>30,308</del>
Family of 5	<del>2,929</del>	<del>35,157</del>
Family of 6	<del>3,334</del>	<del>40,007</del>

a. ~~Northern Virginia Economic Needs Guidelines. To be used for applicants residing in Arlington, Fairfax, Loudoun, and Prince William counties and the incorporated cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.~~

	<del>Monthly Gross Income</del>	<del>Annual Gross Income</del>
Family of 1	<del>\$1,431</del>	<del>\$17,172</del>
Family of 2	<del>1,872</del>	<del>22,464</del>
Family of 3	<del>2,313</del>	<del>27,756</del>
Family of 4	<del>2,753</del>	<del>33,036</del>

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Family of 5 ————— 3,193 ————— 38,316

Family of 6 ————— 3,634 ————— 43,608

~~b.~~a. If an applicant is paying monthly installments toward a debt(s), then the amount of one monthly installment will be subtracted from the applicant's expected contribution before the valid amount owed is determined, under the following conditions:

- (1) The debt(s) is owed for nonpreventative medical or dental services; and
- (2) The debt(s) is owed by or for the applicant or individuals whom the applicant is legally responsible to support or is legally supported by.

**22VAC20-20-50. Type of equipment.**

The equipment that may be available through the program includes but is not limited to: TTY/TDDs, large visual display TTY/TDDs, braille TTY/TDDs, amplification devices, ring signal devices, doorbell signallers, visual smoke/fire detectors, ~~TTY/TDD paper rolls~~, baby ~~criers~~ sound monitors, and visual or vibrating alarm clocks.

Part IV

Application Procedures

**22VAC20-20-60.**

The application may be obtained from the department or the department's outreach specialists or other ~~authorized distribution centers~~ sites around the state. Completed applications shall be forwarded to:

Virginia Department for the Deaf and Hard-of-Hearing

ATTN: VDDHH-TAP

Regulations Governing Eligibility Standards and Application Procedures for the Distribution of ~~Technological Assistance Devices~~ Assistive Technology Equipment  
~~Washington Building~~

~~Capitol Square~~

~~1100 Bank Street~~

~~12th Floor~~

~~Richmond, VA 23219-3640.~~

1602 Rolling Hills Drive, Suite 203

Richmond, Virginia 23229-5012

The VDDHH telephone number is 1-800-552-7917 (V/T) or ~~(804) 225-2570 (V/T)~~. (804)662-9502 (V/TTY).

**22VAC20-20-70. Processing applications.**

A. The ~~coordinator~~ department shall approve all applications for which eligibility requirements defined in 22VAC20-20-30 are satisfied, except as provided ~~in subsections B, C, D, E, F and G of this section~~ below. Priority may be given to first-time ~~recipients~~ applicants and to recipients who have not received equipment through the program during the preceding 48 months and who are without fully functioning equipment as verified in writing by a VDDHH-approved agency representative or ~~individual~~ vendor during times of fiscal constraint, as determined by the director.

B. ~~Original application~~ Application shall not be approved when:

1. ~~When~~ the applicant who must contribute has already been issued a coupon which is still valid and has not been redeemed towards the purchase of ~~technological assistive devices~~ assistive technology equipment under this program.

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2. ~~When~~ the applicant has received a device from TAP within the preceding four years except for conditions set in subsections D and E of this section.

C. Application for replacement equipment shall not be approved when:

1. A device previously issued by the department has been subjected to abuse, misuse or unauthorized repair by the recipient.
2. The recipient fails to provide a police report of a stolen device or refuses to cooperate with the police investigation or in the prosecution of the suspect, including the refusal to testify in court when requested to do so.
3. The recipient is found negligent in the police report, such as doors to the house or car left unlocked or unattended.
4. The recipient has lost the device.
5. The recipient has sold the device.

D. Replacement equipment may be given within a four-year period if ~~a technological assistive device~~ assistive technology equipment is damaged through natural disasters, such as lightning, electrical storms, or floods. The recipient must first send damaged equipment to the vendor. ~~If the~~ The vendor certifies must certify to the department that the equipment, provided it is still under valid warranty, is unrepairable due to natural disaster; The recipient must provide proof that the damage was not covered by homeowners or rental insurance. ~~a~~ The agency shall issue a replacement unit shall be issued device to the recipient, upon reapplication, either free or ~~up to~~ at the full cost of the requested equipment ~~package~~, depending on eligibility criteria as outlined in 22VAC20-20-40.

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E. Exchange of equipment may be permitted where the original equipment can no longer be used by a recipient due to deteriorating vision or hearing or when a new device has become available through TAP and is deemed more appropriate to the recipient's disability than a device previously issued to the recipient. A recipient must ~~obtain~~ submit a letter from a professional listed in 22VAC20-20-30 of this chapter stating that the recipient ~~would benefit from another device available through TAP.~~ would achieve a more appropriate benefit from the new device on the basis of the individual's disability.

**22VAC20-20-80. Notice of action on approved or denied applications.**

The ~~recipient~~ applicant shall be notified of a decision regarding ~~an original or a renewal~~ an application within 30 calendar days of the completion date.

**22VAC20-20-90. Fraud.**

If a recipient ~~obtained technological assistive devices~~ obtains assistive technology equipment under false ~~premises~~ pretenses or misrepresentation of facts on the TAP application, the department reserves the right to demand return of such equipment. Such a recipient may be prosecuted to the fullest extent of the law.

Part V

Processing System

**22VAC20-20-100. Processing.**

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Processing, redemption and invoicing shall be governed by internal ~~department~~ departmental

procedures, contractual agreements and the Commonwealth of Virginia's Prompt Payment Act

that shall be applied uniformly to applicants and contracted vendors.

**22VAC20-20-110. Liability.**

Recipients shall be responsible for any repairs to or loss of a device issued in the program, except

where the department retains ownership of the device ~~subject to provisions in the loan agreement~~

~~form.~~

Part VI

Confidentiality

**22VAC20-20-120. Confidentiality.**

All TAP applications and other client materials shall be kept confidential by department

personnel and other persons authorized by the department to view such materials. An applicant's

award shall also be confidential and shall not be released without the applicant's permission.

**FORMS**

Technology Assistance Program Application, VDDHH-TAP-1

~~Application Order Form Instructions.~~

~~Application Order Form.~~